

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

United States of America,)
)
)
 Plaintiff,)
)
)
 v.) Criminal Action Number
) 05-06018-01-CR-SJ-SOW
Aaron M. Eddy,)
)
)
 Defendant.)

Report and Recommendation

Pending before the Court is Defendant Eddy's *Motion To Dismiss*, filed July 10, 2006 (Doc. #27). Defendant Eddy is charged with violations of 18 U.S.C. §2422(b) and 18 U.S.C. §2423(b), which allege the use of interstate facilities for the purpose of enticing, inducing, etc any individual who has not attained the age of 18 years of age to engage in any sexual activity (Count 1); and traveling across state lines for the purpose of engaging in illicit sexual conduct with a minor (Count 2).

The indictment alleges that Defendant Eddy communicated with a law enforcement officer who purported to be a female minor, but who in fact was not a minor. Defendant Eddy argues that since the person with whom he communicated was not in fact a minor, he cannot be convicted of violating §2422(b) and §2423(b) and the case should therefore be dismissed.

Inasmuch as the argument asserted by Defendant Eddy has been directly addressed and rejected by the 8th Circuit in *United States v. Helder*, 452 F.3d 751, 756 (8th Cir. 2006), it is

RECOMMENDED that the Court, after making an independent review of the record and applicable law, enter an order **DENYING** Defendant Eddy's *Motion To Dismiss*, filed July 10, 2006, (Doc. #27).

Counsel are reminded that each has 10 days from the date of receipt of a copy of this report and recommendation to file and serve specific objections to the same. A failure to file and serve timely objections shall bar attack on appeal of the factual findings in this report which are accepted or adopted by the district judge except upon the ground of plain error or manifest injustice.

/s/ John T. Maughmer
John T. Maughmer
United States Magistrate Judge